

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TAG HEUER, S.A.,

Plaintiff,

-against-

MARTINIQUE GALLERIES, INC.,  
JACK TOBIAS, JOSEPH TOBIAS  
and ALAN TOBIAS

Defendants.  
-----X

Civil Action No. 08 CV 0322 (BSJ)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK     )  
                                  ss:  
COUNTY OF NEW YORK)

MARIO F. ORTIZ, being duly sworn, deposes and says:

1. I am over 18 years of age and am not a party to this action. I reside in the Bronx, New York.

2. On Wednesday, January 16, 2008, at approximately 11:15 a.m., I arrived at Martinique Galleries, Inc., 750 Seventh Avenue, New York, NY 10019, to serve Jack Tobias, Joseph Tobias and Alan Tobias true and correct copies of the following:

- A. Summons and Complaint with attached Exhibit A,
- B. Individual Practices of Hon. Barbara S. Jones,
- C. USDC/SDNY Instructions for Filing an Electronic Case or Appeal,
- D. USDC/SDNY Procedures for Electronic Case Filing,
- E. USDC/SDNY Guidelines for Electronic Case Filing,

(the "Documents").

3. I asked the manager Josh Jackson, who had earlier accepted service of the Documents on behalf of Martinique Galleries, Inc., if Jack Tobias, Joseph Tobias and Alan Tobias (collectively "Tobias") were in the store.

4. Mr. Jackson stated that they were not in the store, and that they do not work at the store. I informed Mr. Jackson that the Complaint lists the store as Tobias' business address. And since the Summons and Complaint list the store as Tobias' last known business address, I would leave copies on the counter addressed to each defendant. Mr. Jackson told me not to leave them on the counter but to throw them in the trash, as that is what he was going to do. I informed Mr. Jackson that I am not authorized to dispose of the Documents or to throw them in the trash. At this time I placed the Documents on the counter. Mr. Jackson told me that he was going to show me where the trash is located, took the Documents and tried to put them in my hand. I refused the Documents and was asked to leave the premises.

5. As I departed the premises, Mr. Jackson had the Documents addressed to Tobias' in his hand.

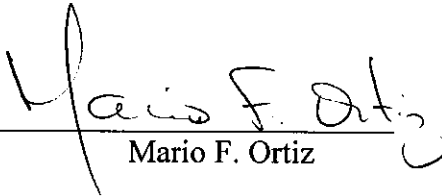
6. On this same day I mailed true and correct copies of the Documents, by enclosing the Documents in post-paid envelopes marked "personal and confidential" and not indicating on the outside thereof that the communication was from an attorney or concerned an action against Defendants, and deposited said envelopes, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to Jack Tobias, Joseph Tobias and Alan Tobias (Exhibit A) at their last known business address set forth:

Jack Tobias  
Martinique Galleries, Inc.  
750 7<sup>th</sup> Avenue  
New York, NY 10019

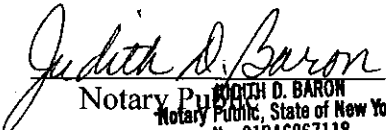
Joseph Tobias  
Martinique Galleries, Inc.  
750 7<sup>th</sup> Avenue  
New York, NY 10019

and

Alan Tobias  
Martinique Galleries, Inc.  
750 7<sup>th</sup> Avenue  
New York, NY 10019

  
Mario F. Ortiz

Sworn to before me on this  
24<sup>th</sup> day of January 2008

  
Notary Public JUDITH D. BARON  
Notary Public, State of New York  
No. 018A6067118  
Qualified in Kings County  
Commission Expires December 3, 2009

## Exhibit A

049J82031765

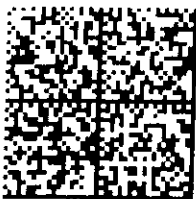
\$01.99

01/16/2008

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Joseph Tobias  
Martinique Galleries, Inc.  
750 7<sup>th</sup> Avenue  
New York, NY 10019

"PERSONAL AND CONFIDENTIAL"

"PERSONAL AND CONFIDENTIAL"



049J82031765

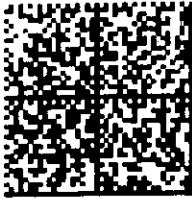
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Alan Tobias  
Martinique Galleries, Inc.  
750 7<sup>th</sup> Avenue  
New York, NY 10019

"PERSONAL AND CONFIDENTIAL"



049J82031765

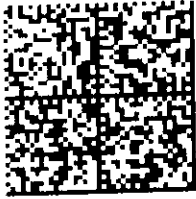
\$ 01.99

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Jack Tobias  
Martinique Galleries, Inc.  
750 7<sup>th</sup> Avenue  
New York, NY 10019

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